

Application No. 10/823,844

Filed: April 14, 2004

TC Art Unit: 1723

Confirmation No.: 5528

REMARKS

Claims 1-11 are pending in the present application. The Examiner has objected to claims 2-6 and 8-11 and rejected claims 1 and 7. Applicant has amended the specification and presented claims 12 and 13 herein. These amendments have support within the specification such that new matter has not been introduced by Applicant. Applicant also submits that claims 1-13 should be pending after entry of the amendments above.

The above amendments should not be construed as acquiescence to the rejections by the Examiner and were provided solely to expedite the prosecution of the application. Applicant reserves the right to pursue the claims as originally filed in the present or a separate application(s).

Applicant respectfully requests reconsideration and withdrawal of the rejections by the Examiner in view of the remarks herein.

Claim Objections

The Examiner has objected to claims 2-6 and 8-11. Claims 2-6 and 8-11 have also been deemed to include allowable subject matter. Applicant has presented new independent claims 12 and 13 to include the allowable subject matter of claims 2 and 8, respectively, in the context of the subject matter of claim 1. Applicant respectfully submits that claims 12 and 13 are hereby in condition for allowance and should be allowed by the Examiner.

Claim Rejections 35 U.S.C. § 102

The Examiner has rejected claims 1 and 7 under 35 U.S.C. § 102 as anticipated by Japanese Publication No. 07-144150 to Shoya.

Application No. 10/823,844
Filed: April 14, 2004
TC Art Unit: 1723
Confirmation No.: 5528

The Examiner has contended that Shoya discloses a conical piston 14 coupled to an actuator 20. Applicant respectfully disagrees with the contention by the Examiner regarding Shoya.

In particular, Applicant underscores that Shoya teaches a **stationary** support plate 14 instead of a conical piston as characterized by the Examiner. As provided in an abstract of Shoya from the Japanese Patent Office, the stationary support plate 14 is **installed** in a lower part of a rotary housing vessel. Moreover, the abstract provides that an upper surface of the stationary support plate 14 **supports** an opening and closing cover 15. The opening and closing cover 15 is also coupled to the actuator 20 mentioned by the Examiner rather than the **stationary** support plate 14. Indeed, the abstract of Shoya does not suggest that the stationary support plate 14 is coupled to an opening and closing mechanism 20, which is contrary to the contention by the Examiner. A copy of the abstract to Shoya is enclosed herewith for the convenience of the Examiner.

Given that the support plate 14 of Shoya is **stationary** and not coupled to the opening and closing mechanism 20, Applicant submits that claims 1 or 7 cannot be anticipated by the reference. Claim 1 requires a conical piston coupled to an actuator in which the actuator is operative in a solids discharge mode of operation to urge the piston axially downward. By comparison, the stationary support plate 14 in Shoya is incapable of such axial movement. The patent laws are established in that a reference must disclose each limitation of the claims under consideration for anticipation *prima facie*. To the contrary, Shoya does not teach each of the limitations of claims 1 or 7. Thus, Applicant

Application No. 10/823,844

Filed: April 14, 2004

TC Art Unit: 1723

Confirmation No.: 5528

respectfully requests that the anticipation rejections of claims 1 and 7 by the Examiner be withdrawn.

Applicant also underscores that the operation of the centrifugal separator in Shoya is entirely distinct from that of claims 1 or 7. For example, the opening and closing cover 15 of Shoya is merely to control when material can pass through the stationary support plate 14. Neither the cover 15 nor support plate 14 are used to force accumulated solids from a bowl as required by claim 1. As such, the cover 15 is not in tight-fitting relationship with an inner bowl surface. Thus, based on the foregoing, Applicant respectfully submits that the rejections under 35 U.S.C. § 102 by the Examiner should be withdrawn as Shoya cannot reasonably be understood to anticipate claim 1 or 7.

Application No. 10/823,844
Filed: April 14, 2004
TC Art Unit: 1723
Confirmation No.: 5528

CONCLUSION

Based on the remarks presented herein, reconsideration and withdrawal of the rejections by the Examiner and allowance of the application with claims 1-13 are respectfully requested.

The Examiner is also encouraged to telephone the undersigned attorney to discuss any matter that would expedite allowance of the present application.

Respectfully submitted,

ROBERT B. CARR

By: 

Gordon R. Moriarty, Esq.
Registration No. 38,973
Attorney for Applicant(s)

WEINGARTEN, SCHURGIN,
GAGNEBIN & LEOVICI LLP
Ten Post Office Square
Boston, MA 02109
Telephone: (617) 542-2290
Telecopier: (617) 451-0313

GRM/raw
329820
Enclosure

Searching PAJ

PATENT ABSTRACTS OF JAPAN

(11) Publication number : 07-144150
 (43) Date of publication of application : 08.08.1995

(51) Int. Cl.

B04B 3/00
 B04B 11/05
 B08B 3/14

(21) Application number : 06-071165
 (22) Date of filing : 08.04.1994

(71) Applicant : N S P:KK
 (72) Inventor : SUZUKI SHOYA

(30) Priority

Priority number : 05 86517
 05243281

Priority date : 13.04.1993
 29.09.1993

Priority country : JP

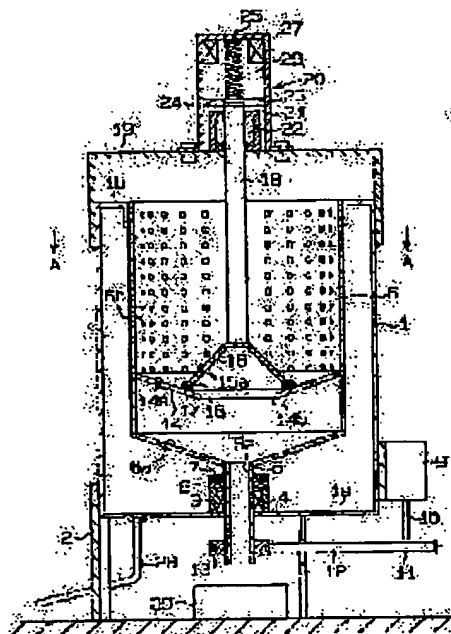
JP

(54) LIQUID SEPARATOR

(57) Abstract:

PURPOSE: To provide a liquid separator by which work for taking out a cleaned material from a rotary housing vessel is easily done.

CONSTITUTION: A rotary housing vessel 6 rotatable by a motor 9 is installed inside a fixed housing vessel 1. A supporting plate 14 having a guiding slant face 14a inclining downwards toward the center and a falling outlet 14b is installed in the lower part of the rotary housing vessel 6. An opening/closing cover 15 is supported on the upper surface of the supporting plate 14 by an opening/closing mechanism 20 through a lifting/supporting rod 18. A material to be cleaned in the rotary housing vessel 6 is rotated together with the rotary housing vessel 6 to separate oily components stuck to the surface of the material to be cleaned by centrifugal force. The opening/closing cover 15 is raised by the opening/closing mechanism 20 after the separation work to bring the cleaned material downward from the guiding slant face 14a of the supporting plate 14 through the falling outlet 14b. The cleaned material is discharged from a take-out path 5a inside a rotary supporting cylinder 5 to the outside.



LEGAL STATUS

[Date of request for examination] 27.08.1997
 [Date of sending the examiner's decision of rejection] 11.01.2000
 [Kind of final disposal of application other than the examiner's decision of rejection or application converted registration]
 [Date of final disposal for application]
 [Patent number]

Searching PAJ

[Date of registration]

[Number of appeal against examiner's decision of rejection]

[Date of requesting appeal against examiner's decision of rejection]

[Date of extinction of right]

Copyright (C); 1998, 2003 Japan Patent Office